

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of: Michael E. Besse et al.

Title: ANTIMICROBIAL, BEVERAGE COMPATIBLE CONVEYOR LUBRICANT

Attorney Docket No.: 730.010US1

PATENT APPLICATION TRANSMITTAL

BOX PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

We are transmitting herewith the following attached items and information (as indicated with an "X"):

- ☒ **CONTINUATION-IN-PART (CIP)** of prior Patent Application No. 09/002,976 (under 37 CFR § 1.53(b))
comprising:
- ☒ Specification (21 pgs, including claims numbered 1 through 20 and a 1 page Abstract).
 - ☒ Formal Drawing(s) (4 sheets).
 - ☒ Unsigned Combined Declaration and Power of Attorney (3 pgs).
- ☒ Return postcard.

The filing fee (NOT ENCLOSED) will be calculated as follows:

	No. Filed	No. Extra	Rate	Fee
TOTAL CLAIMS	20 - 20 =	41	x 9 =	\$0.00
INDEPENDENT CLAIMS	2 - 3 =	14	x 39 =	\$0.00
[] MULTIPLE DEPENDENT CLAIMS PRESENTED				\$0.00
BASIC FEE				\$760.00
TOTAL				\$760.00

THE FILING FEE WILL BE PAID UPON RECEIPT OF THE NOTICE TO FILE MISSING PARTS.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: Mark A. Litman
Atty: Mark A. Litman
Reg. No. 26,390

Customer Number **21186**

"Express Mail" mailing label number: EM287850953US

Date of Deposit: January 8, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D C. 20231.

By: Chris Hammond

Signature: Chris Hammond

ECOLAB CODE 1200US01

SLWK DOCKET NO. 730.010US1

**ANTIMICROBIAL, BEVERAGE COMPATIBLE
CONVEYOR LUBRICANT**

5

BACKGROUND OF THE INVENTION

1. Field of the Invention

10 The present invention relates to lubricants, especially antimicrobial lubricants, and most especially to antimicrobial lubricants for use in conveyor systems for beverage containers. The lubricants are compatible with beverages and may display reduced deposition of solid materials after the lubricants have contacted spilled beverage.

15

2. Background of the Art

 In the commercial distribution of most beverages, the beverages are packaged in containers of varying sizes, such containers being in the form of cartons, cans, bottles, tetrapack packages, waxed carton packs, and other forms of
20 containers. In most packaging operations, the containers are moved along conveying systems, usually in an upright position (with the opening of the container facing vertically up or down), and moved from station to station, where various operations are performed (e.g., filling, capping, labeling, sealing, etc.). The containers, in addition to their many possible formats and constructions, may
25 comprise many different types of materials, such as metals, glasses, ceramics, papers, treated papers, waxed papers, composites, layered structures, and polymeric materials (e.g., especially polyolefins such as polyethylene, polypropylene, polystyrene and blends thereof, polyesters such as polyethyleneterephthalate and polyethylenenaphthalate and blends thereof, polyamides, polycarbonates, etc.).

There are a number of different requirements which are essential or desirable for antimicrobial lubricants in the conveying systems used to carry containers for beverages. The essential requirements are that the material provide an acceptable level of lubricity for the system and that the lubricant displays an acceptable antimicrobial activity. It is also desirable that the lubricant have a viscosity which allows it to be applied by conventional pumping and/or application apparatus (e.g., spraying, roller coating, wet bed coating, etc.) as commonly used in the beverage conveyor lubricating art, and that the lubricant is beverage compatible so that it does not form solid deposits when it accidentally contacts spilled beverage on the conveyor system. This last requirement can be especially important since the formation of deposits on the conveyor will change the lubricity of the system and could require shut-down of the equipment to facilitate cleaning. Deposits may occur from the combination of beverage and lubricant in a number of different chemical methods, depending upon the particular beverage and lubricant used. One of the more common forms of deposit is caused by the formation of micelles from the interaction of species, especially different ionic species within the two materials.

Different types of lubricants have been used in the beverage conveying industry with varying degrees of success. A more common type of lubricant is the fatty acid lubricant (either the acid itself or amine salt and/or ester derivatives thereof), some of which are described in U.S. Patent No. 5,391,308. Another type of lubricant used within this field is the organic phosphate ester, as shown in U.S. Patent No. 4,521,321 and PCT Application WO 96/02616, based upon British Patent Application 94/14442.5 filed 18 July 1994 (PCT/GB95/01641).

U.S. Patent No. 5,391,308 discloses phosphate esters other than alkyl or linear esters (e.g., the alkyl aryl phosphate esters described on column 6, lines 11-20 used in combination with the alkyl or linear phosphate esters). The lubricant system

of this patent also requires the use of an aqueous based long chain fatty acid composition at a pH of from 9.0 to 10.5 as the lubricant, with specifically combined ingredients to avoid stress cracking in polyethylene terephthalate (PET) bottles transported on a conveyor system. The aromatic-polyoxyalkyl esters are
5 specifically disclosed as part of a combination of esters (along with the alkyl esters) which

“ ...results in substantial reduction in stress cracking, thus functioning as the stress cracking inhibiting agent, as well as the emulsifying agent, in the aqueous lubricant concentrate.@ (Column 3, lines 48-52). “

10 The reference is specific to fatty acid lubricants, and the specification points out that the use of potassium hydroxide as the saponifying agent, in fatty acid lubricants, has been found to contribute to and to promote stress cracking in P.E.T. (polyethylene terephthalate) bottles. A blend of alkyl phosphate esters and aromatic phosphate esters are shown in combination with the fatty acid lubricant to reduce stress
15 cracking.

PCT Application WO 96/02616 describes the use of lubricant concentrates comprising organic alkyl phosphate esters, aromatic biocidal quaternary ammonium compounds, and sufficient base to provide the concentrate with a pH of from 5 to
20 10.

U.S. Patent No. 4,521,321 describes lubricants for conveyor systems which comprise dilute aqueous systems of partially neutralized monophosphate aliphatic (e.g., saturated or partially unsaturated linear alkyl). The use of a synergist such as
25 long chain fatty alcohol, fatty acid derived amine oxide, or urea improves the properties of the lubricant.

U. S. Patent No. 5,062,979 describes lubricants for conveyor systems

comprising aqueous, clear solution-forming, substantially soap-free compositions. These lubricants comprise pH 6-8 compositions comprising alkyl benzene sulfonates, partial phosphate esters with alkoxyated aliphatic alcohols, and aliphatic carboxylic acids. Typical additives such as solubilizers, solvents, foam inhibitors and disinfectants may also be present. The aliphatic carboxylic acids are C6-C12 fatty acids.

SUMMARY OF THE INVENTION

Lubricating compositions of the invention, especially those designed for use in beverage conveying systems for contained beverages, comprise at least the following components:

- a) an alkyl alkoxyated (e.g., ethoxyated or propoxyated, preferably ethoxyated) phosphate ester,
- b) aryl (e.g., aromatic, such as phenol) alkoxyated (e.g., ethoxyated or propoxyated) phosphate ester,
- c) an aromatic or linear quaternary ammonium antimicrobial agent, and
- d) a liquid carrier, such as water.

Particularly desirable optional agents with high degrees of utility include chelating agents (e.g., the aminoacetic acid chelating agents such as ethylene diamine tetraacetic acid, EDTA), detergents (e.g., nonionic surfactants) and pH control agents, e.g., potassium or sodium hydroxide.

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 shows a graph of data relating the Coefficient of Friction (kinetic) for phosphate esters alone, versus phosphate esters mixed with quaternary ammonium biocides.

5

Figure 2 shows a graph of data relating the Coefficient of Friction (kinetic) of phosphate esters lubricating compositions containing either linear quaternary ammonium biocides or aromatic quaternary ammonium biocides.

10

Figure 3 shows a graph of data relating the Coefficient of Friction (kinetic) for a lubricant composition of the invention as compared to various lubricant compositions with various couplers (e.g., hydrotropes).

15

Figure 4 shows a triangular graph of the effects of variations among anionic surfactants, cationic surfactants and beverage in the practice of the present invention.

DETAILED DESCRIPTION OF THE INVENTION

Lubricant compositions according the present invention comprise at least the following components:

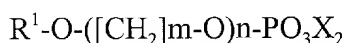
- a) an alkyl alkoxylated (e.g., ethoxylated or propoxylated, preferably ethoxylated) phosphate ester,
- b) phenol alkoxylated (e.g., ethoxylated or propoxylated) phosphate ester,
- c) an aromatic or linear quaternary ammonium antimicrobial agent, and
- 25 d) a liquid carrier, such as water.

The lubricating compositions are usually provided as concentrates which are diluted with the appropriate liquid (e.g., usually water) to up to a 400 times dilution to provide a use solution of the lubricant composition. These compositions are capable

of providing a number of beneficial properties as lubricant use solutions, and especially as lubricant use solutions for conveying systems for beverage containers. Each of the ingredients and the various types of properties sought for the lubricant compositions are described below. "Lubricant compositions" is a term used to
5 cover both the lubricant concentrate and the lubricant use solution which is formed by dilution of the concentrate with the appropriate thinning liquid, usually water.

An alkyl alkoxyated (e.g., ethoxylated or propoxylated, preferably ethoxylated) phosphate ester has the general structural formula of:

10



wherein R^1 comprises an alkyl group (e.g., linear, branched or cyclic alkyl group of from 1 to 20 carbon atoms, preferably of from 8 to 12 carbon atoms),

m is 2 or 3,

15

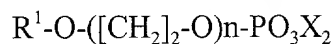
n is 3 to 8 when m is 3, and 3 to 10 when m is 2, and

X is hydrogen, an alkanolamine and/or an alkali metal.

The alkyl groups of R^1 may be variously substituted so as to provide a variety of subtle changes in its physical properties, especially with respect to its solubility (e.g., the addition of solubilizing groups or pH adjusting groups) and ionic qualities.

20

Where the phosphate ester comprises an ethoxylated phosphate ester structure, another representative formula would be:



wherein R^1 comprises an alkyl group (e.g., linear, branched or cyclic alkyl group of from 1 to 20 carbon atoms, preferably of from 8 to 12 or 10 to 12 carbon atoms),

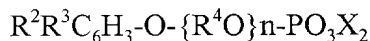
25

n is 3 to 8 or 3 to 10, preferably from 4 to 6 with a weight average of about 5, and

X is hydrogen, an alkanolamine and/or an alkali metal.

An aromatic (e.g., aryl, phenol, naphthol, etc.) alkoxyated (e.g., ethoxylated

or propoxylated) phosphate ester has the general formula of:



wherein R^2 and R^3 may be independently selected from the group consisting of hydrogen and alkyl group (e.g., linear, branched or cyclic alkyl group of from 1 to 20 carbon atoms, preferably of from 8 to 12 carbon atoms),

R^4 is selected from $-CH_2CH_2-$ and $-CH_2CH_2CH_2-$ (ethylene and propylene), and

n and X are as defined above.

Again, alkyl groups of R^2 and R^3 may be variously substituted so as to provide a variety of subtle changes in its physical properties, especially with respect to its solubility (e.g., the addition of solubilizing groups or pH adjusting groups) and ionic qualities. At the present time, it is preferred that R^2 and R^3 are hydrogen.

The aromatic and/or linear quaternary ammonium antimicrobial agents are materials generally known in the antimicrobial art. This class of compounds may be generally represented by the formula:



wherein R^5 , R^6 , R^7 and R^8 are selected from the group consisting of aryl (e.g., phenyl, furyl, etc.), alkyl arene (e.g., benzyl), and alkyl group. When any one or more of R^5 , R^6 , R^7 and R^8 are aryl or alkyl arene, the compound is referred to in the art as an aromatic quaternary ammonium compound. It is preferred that no more than two of R^5 , R^6 , R^7 and R^8 have more than 4 carbon atoms, with 8 to 18 carbon atoms being preferred for longer chain alkyl groups. It is possible to have all four of R^5 , R^6 , R^7 and R^8 have from 1 to 4 carbons atoms, with 8-18 carbon atoms preferred, and with independent variations in the number of carbon atoms in the groups and distribution of these groups within the compounds being acceptable.

It is preferred that the composition contain a basic compound, e.g., an alkali

metal hydroxide or ammonium salt to control the pH. It is preferred that the composition has a pH of less than 8.5, more preferred that it have a pH less than 8.0 and more preferably that it have a pH between 4.5 and 8.0 or 6.0 and 8.0. The control of the pH level within the range of about 6.0 to about 8.5 has been found to provide another unique benefit to the compositions of the present invention. The microbial activity of the compositions tends to increase significantly when the compositions of pH 6.0 to 8.5 have their pH levels reduced, as by contact with acidic beverages (which most commercial beverages and juices are). This increased activity upon exposure to beverages with a pH lower than that of the lubricant preserves the antimicrobial activity until such time as the activity is needed most, when sustenance is provided for the growth of the microbes, e.g., by the spillage of beverages. As the presence of the beverage tends to reduce the pH of the lubricant, the activity of the antimicrobial agent is better preserved and more efficiently used by such activation.

Although the lubricant compositions of the present invention are novel with any combination of

- a) an alkyl alkoxyated (e.g., ethoxylated or propoxylated, preferably ethoxylated) phosphate ester,
 - b) aromatic (e.g., phenol) alkoxyated (e.g., ethoxylated or propoxylated) phosphate ester,
 - c) an aromatic or linear quaternary ammonium antimicrobial agent,
- (with or without a liquid carrier) there are ranges and proportions of these combinations which provide improved or enhanced performance as compared to the broad range of compositions. For example, the relative proportion of anionic to cationic materials in the lubricant composition (i.e., the relative proportions of the combined total of phosphate ester [anionics] compared to the total of quaternary ammonium microbial agents on a weight to weight basis) affects the degree to

which sedimentation, precipitation, cloudiness and deposits occur in the lubricant compositions when contacted with beverages. The higher the proportion of anionics to cationics, the more strongly the compositions resist deposits. It is preferred that the proportion of anionics to cationics is at least 1.5, usually within the range of 2.0 to 10.0, more preferably within the range of 2.0 to 8.0. As noted, the greater the amount of beverage to which the lubricant is likely to be exposed, the higher the preferred ratio of anionics to cationics. The proportions of materials within the concentrate compositions may also be described in terms of 7-30 weight percent anionic materials and 1-5 weight percent cationic materials. These percentages allow for a maximum range of about 30:1 to 1.28:1 ratios by weight of anionic materials to cationic materials. Unless otherwise stated, all proportion described in the examples are percentages by weight. Figure 4 shows some of these interactive effects.

Additional ingredients which do not significantly and adversely affect the stability and lubricating properties of the composition may also be present in the compositions of the invention. Coupling agents, that is materials which have an affinity for both hydrophilic and hydrophobic materials may be included within the compositions. Coupling agents are also referred to as hydrotropes, chemicals which have the property of increasing the aqueous solubility of variously slightly soluble organic compounds. The compounds often have both hydrophilic and hydrophobic functionalities within a single molecule to display affinity to both environments, and are commonly used in the formulation of liquid detergents.

Another attribute of the present invention is that the lubricants of the invention tend to have a wider range of utility with respect to the container material and the conveyor material. It has usually been the practice in the art to specifically design lubricant compositions for use with particular container compositions and

conveyor support materials. The supporting surfaces on conveyors may comprise fabric, metal, plastic, composite and mixtures of these materials. Lubricants would preferably be compatible with a variety of these surfaces. Similarly, bottle compositions may comprise metals, glasses, papers, treated papers, coated papers, laminates, ceramics, polymers, and composites, and the lubricant compositions would preferably have a range of compatibility with all of these materials. Although there may be some variation in the quality of performance with certain materials, the lubricants of the present invention do tend to display a greater latitude in acceptable performance with a range of materials than many lubricant compositions.

10

Possible optional agents with high degrees of utility include chelating agents (e.g., EDTA), nonionic detergents, and alkalating agents, e.g, potassium, sodium hydroxide, or alkanolamines. The preferred chelating agents for use in the practice of the present invention are the amine-type acetic acids. These chelating agents typically include all of the poly(amine-type) chelating agents as described in U.S. patent No. 4,873,183. Other chelating agents such as nitrilotriacetic acid, alkali metal salts of glucoheptanoate, and organic substituted phosphoric acid, and their equivalents are also useful in the practice of the present invention. The chelating agents are preferably present as from 0.05 to 10% by weight of the lubricant concentrate composition, preferably from 0.05 to 2% by weight.

In a synthetic lubricant environment, the invention has found that quaternary ammonium antimicrobial agents, and especially the linear quaternary compounds act as lubricants in combination with the linear and phenol phosphate esters. At least one of the referenced art (e.g., PCT GB95/01641, page 17, lines 12-18) specifically shows that the combination of quaternary ammonium compounds with the alkyl (linear) phosphate esters did not affect lubricity. The finding that the combination of the quaternary ammonium antimicrobial agents with the combination of esters of

the present invention actually increases lubricity (reduces the coefficient of friction) provides a basis for the assertion of unexpected results in the defined chemical classes of compounds.

5

Exemplary Formula

	Raw Material	Chemical Name	(%)
	Soft water		65.50
10	Phosphate Ester	C ₁₀₋₁₂ alkyl phosphate ester, 5 EO units	12.50
	Rhodafac TM	phenol ethoxylated phosphate ester	2.50
	RP-710		
15	Bardac TM 2250	didecyl dimethyl ammonium chloride, 50%	5.00
	Versene TM 100	EDTA, 40%	10.00
20	NaOH, 50%	NaOH	2.00
	Neodol TM 25-7	C ₁₂₋₁₅ linear alcohol, 7 EO	2.50
			100.00

25 **EXAMPLE 1**

Two formulae were prepared as set out below. The first formula contained the blended phosphate esters, EDTA, NaOH, and linear quaternary ammonium antimicrobial agent. The second formula was identical with the exception of the linear quat.

30 0.1% use solutions of each formula were prepared in softened water. This solution was sprayed on the short track conveyor which was set up with glass bottles held stationary as the stainless steel conveyor rotated at 100 rpm. The drag was measured with a load cell, which was in turn connected to a computer which plotted the COF (kinetic) based on the drag and the load. The results are presented below in

35 Figure 1, a graph displaying the coefficient of friction (COF) versus time for a phosphate ester with a linear quat versus a phosphate ester used alone.

Formulas

	Raw Material	Chemical Name	Formula (%)	
			10-1	10-2
5	Soft Water		68.0	73.0
	PE	C ₁₀₋₁₂ alkyl phosphate ester, 5 EO units	12.5	12.5
	PR-710	phenol ethoxylated phosphate ester	2.5	2.5
10	Versene™ 100	EDTA, 40%	10.0	10.0
	NaOH	NaOH	2.0	2.0
15	Bardac™ 2250	didecyl dimethyl ammonium chloride, 50%	5.0	0.0
			100.0	100.0

Conclusions

- 20 The inclusion of linear quat in the formula improves the lubricity over a lubricant containing only the blend of phosphate esters.

EXAMPLE 2

- 25 Two formulas of lubricating agents were prepared as set out below. The first formula contained the blended phosphate esters, EDTA, NaOH, nonionic surfactant, and linear quaternary ammonium antimicrobial agent. In the second formula, the linear quaternary ammonium antimicrobial agent was replaced with benzyl quat.

- 30 0.1% use solutions of each formula were prepared in softened water. This solution was sprayed on the short track conveyor which was set up with glass bottles held stationary as the stainless steel conveyor rotated at 100 rpm. The drag was measured with a load cell, which was in turn connected to a computer which plotted the COF (kinetic) based on the drag and the load. The results are presented in Figure 2 which shows a comparison of COF versus time for phosphate esters with either a

linear quat or a benzyl quat.

Formula

5	Raw Material	Chemical Name	Formula (%)	
			KX	10-3
	Soft Water		68.0	68.0
10	PE	C ₁₀₋₁₂ alkyl phosphate ester, 5 EO units	12.5	12.5
	PR-710	Phenol ethoxylated phosphate ester	2.5	2.5
	Versene™ 100	EDTA, 40%	10.0	10.0
15	NaOH	NaOH	2.0	2.0
	Bardac™ 2250	didecyl dimethyl ammonium chloride, 50%	5.0	0.0
20	Q-372	benzyl quat, 50% (a mixture of alkyldimethyl-benzyl ammonium chlorides)	0.0	5.0
			100.0	100.0

Conclusions

- 25 The linear quat species improves the lubricity of the formula as compared to the benzyl quat.

EXAMPLE 3

- Two formulae were prepared as set out below. The first formula contained blended alkyl and aryl phosphate esters and the second formula contained only
30 alkyl phosphate ester. Both formulas contained EDTA, nonionic, NaOH, and linear quat.

The viscosity of the concentrates was measured in triplicate on a Brookfield viscometer model RVT at 51, 78 and 116°F (spindle #3, 100 rpm, factor = 10). The results are provided below.

5 Formula

	Raw Material	Chemical Name	Formula (%)	
10	Soft Water		65.50	65.50
	PE	C ₁₀₋₁₂ alkyl phosphate ester, 5 EO units	15.00	12.50
	Versene™ 100	EDTA, 40%	10.00	10.00
15	NaOH, 50%	NaOH	2.00	2.00
	Bardac™ 2250	didecyl dimethyl ammonium chloride, 50%	5.00	5.00
20	Neodol™ 25-7	C ₁₂₋₁₅ linear alcohol, 7 EO	2.50	2.50
	Rhodafac™	phenol ethoxylated		2.50
	RP-710	phosphate ester		
			100.00	100.00
25				

Results

	Temperature (°F)	Phosphate Ester(s)	Average Viscosity (cps)
5	51	Alkyl and Phenol blend	50
	78	Alkyl and Phenol blend	51
10	116	Alkyl and Phenol blend	49
	51	Alkyl	170
15	78	Alkyl	132
	116	Alkyl	64

Conclusions

Blending phenol phosphate ester with alkyl phosphate ester in the formula reduces the viscosity at all temperatures tested and the resultant low viscosity appears to be temperature independent. This property provides for ease of application on a conventional conveyor apparatus.

EXAMPLE 4

Formulas containing alkyl phosphate ester and linear quat were prepared with various nonionic and anionic adjuvants to determine the affect on lubricity. A control containing phenol phosphate ester, a control with higher level of alkyl phosphate ester, and a control with no adjuvant were prepared for comparative purposes. The formulas are provided below.

0.1% use solutions of each formula were prepared in softened water. This solution was sprayed on the short track conveyor which was set up with glass bottles held stationary as the stainless steel conveyor rotated at 100 rpm. The drag was measured with a load cell, which was in turn connected to a computer which plotted the COF based on the drag and the load. Each sample was run two or more times, and the average COF was calculated. The results are provided in Table A below.

Formulas

Table A

Raw Material	Chemical Name	1	2	3	4	5	6	7
Soft Water	above	68.00	65.50	61.70	65.50	65.50	65.50	65.50
PE-362	above	12.50	15.00	12.50	12.50	12.50	12.50	12.50
Versene™ 100	above	10.00	10.00	10.00	10.00	10.00	10.00	10.00
NaOH, 50%	above	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Bardac™ 2250	above	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Neodol™ 25-7	above	2.50	2.50	2.50	2.50	2.50	2.50	2.50
SXS, 40%	Na/xylene Sulfonate			6.30				
Rhodafac™ RP-710	above				2.50			
Polysorbate™ 80	sorbitan monooleate					2.50		
Glucopan™	Alkyl poly glycoside						2.50	
625CSUP								
Triton™ X-102	octyl phenol ethoxylate							2.50

Conclusions

The phenol and alkyl phosphate esters improved lubricity over the control, while none of the other adjuvants showed this advantage.

5 **EXAMPLE 5**

This example examines the ratios of phosphate ester and quat which do not interact with beverage to form a precipitate. A 40% phosphate ester solution in soft water was combined with 10% active linear quat solution in water and a cola beverage at various levels. After one day, the samples were observed for clarity.

10 Samples were rated as clear, hazy, and separated. (Over time, all hazy samples formed precipitates.)

Results

See the ternary plot in Figure 4.

15

Conclusions

At higher levels of beverage a higher ratio of anionic to cationic surfactant is required to maintain clarity. The ratio ranges from about 1.5:1 at very low levels of beverage, to 2.5:1 at 50% beverage and 16:1 at very high levels of beverage.

20

WHAT WE CLAIM IS:

1. An antimicrobial conveyor lubricant comprising:
 - a) an alkyl phosphate ester,
 - 5 b) an aryl phosphate ester,
 - c) a quaternary ammonium antimicrobial agent, and
 - d) water.
2. The lubricant of claim 1 wherein said alkyl phosphate ester and said aryl
10 phosphate ester are present in a weight to weight ratio of 1.5:1 to 10.0:1 with
respect to the quaternary ammonium antimicrobial agent.
3. The lubricant of claim 1 wherein the total weight of said alkyl phosphate ester
and said aryl phosphate ester are present in a weight to weight ratio of 2.0:1 to
15 10.0:1 with respect to quaternary ammonium antimicrobial agent, which is a linear
quaternary ammonium antimicrobial agent.
4. The lubricant of claim 1 wherein sodium hydroxide is present in said lubricant.
- 20 5. The lubricant of claim 1 wherein a chelating agent for divalent cations is present
in said lubricant.
6. The lubricant of claim 5 wherein said chelating agent comprises an amine-type
acetic acid.
- 25 7. The lubricant of claim 1 wherein said aryl phosphate ester comprises a phenol
ester wherein said phenol group is not substituted with alkyl groups.

8. The lubricant of claim 1 wherein the pH of the lubricant is less than 8.5.
9. The lubricant of claim 1 wherein the pH of the lubricant is between 4.5 and 8.0.
- 5 10. The lubricant of claim 1 comprising water, C₁₀₋₁₂ alkyl phosphate ester, 5 EO units, EDTA, alkalating agent, didecyl dimethyl ammonium chloride, C₁₂₋₁₅ linear alcohol, and phenol ethoxylated phosphate ester.
- 10 11. A process for lubricating a conveyor used to transport containers, said process comprising applying a composition to the conveying surface of a conveyor, said composition comprising:
- a) an alkyl alkoxyated phosphate ester,
 - b) an aryl alkoxyated phosphate ester,
 - c) a quaternary ammonium antimicrobial agent, and
 - 15 d) water,
- and then moving containers on said conveyor.
12. The process of claim 11 wherein said alkyl phosphate ester and said aryl phosphate ester are present in a weight to weight ratio of 1.5:1 to 10.0:1 with
- 20 respect to the quaternary ammonium antimicrobial agent.
13. The process of claim 11 wherein the total weight of said alkyl phosphate ester and said aryl phosphate ester are present in a weight to weight ratio of 2.0:1 to 10.0:1 with respect to quaternary ammonium antimicrobial agent, which is a linear
- 25 quaternary ammonium antimicrobial agent.
14. The process of claim 11 wherein sodium hydroxide is present in said lubricant.

15. The process of claim 11 wherein a chelating agent for divalent cations is present in said lubricant.

16. The process of claim 15 wherein said chelating agent comprises an amine-type
5 acetic acid.

17. The process of claim 11 wherein said aryl phosphate ester comprises a phenol ester wherein said phenol group is not substituted with alkyl groups.

10 18. The process of claim 11 wherein the pH of the lubricant is less than 8.5.

19. The process of claim 11 wherein the pH of the lubricant is between 4.5 and 8.0.

15 20. The process of claim 11 wherein said composition comprises water, C₁₀₋₁₂ alkyl phosphate ester, ethylene diamine tetraacetic acid or its salts, alkalating agent, didecyl dimethyl ammonium chloride, C₁₂₋₁₅ linear alcohol, and phenol ethoxylated phosphate ester.

20

ABSTRACT OF THE DISCLOSURE

Lubricating solutions are used on conveying systems in the beverage industry during the filling of containers with beverages. Lubricating compositions of the present invention, especially those designed for use in beverage conveying systems for contained beverages, comprise at least the following components:

- a) an alkyl alkoxyated (e.g., ethoxylated or propoxylated, preferably ethoxylated) phosphate ester,
- b) aryl (e.g., aromatic, such as phenol) alkoxyated (e.g., ethoxylated or propoxylated) phosphate ester,
- 10 c) an aromatic or linear quaternary ammonium antimicrobial agent, and
- d) a liquid carrier, such as water.

These lubricating solutions are capable of providing good lubricity and antimicrobial activity over a prolonged time.

"Express Mail" mailing label number: EM287850953US

Date of Deposit: January 8, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Printed Name: Chris Hammond

Signature: Chris Hammond

663370" 663370"

Phosphate Ester with Linear Quat Vs. Phosphate Ester Alone (0.1% in Soft Water)

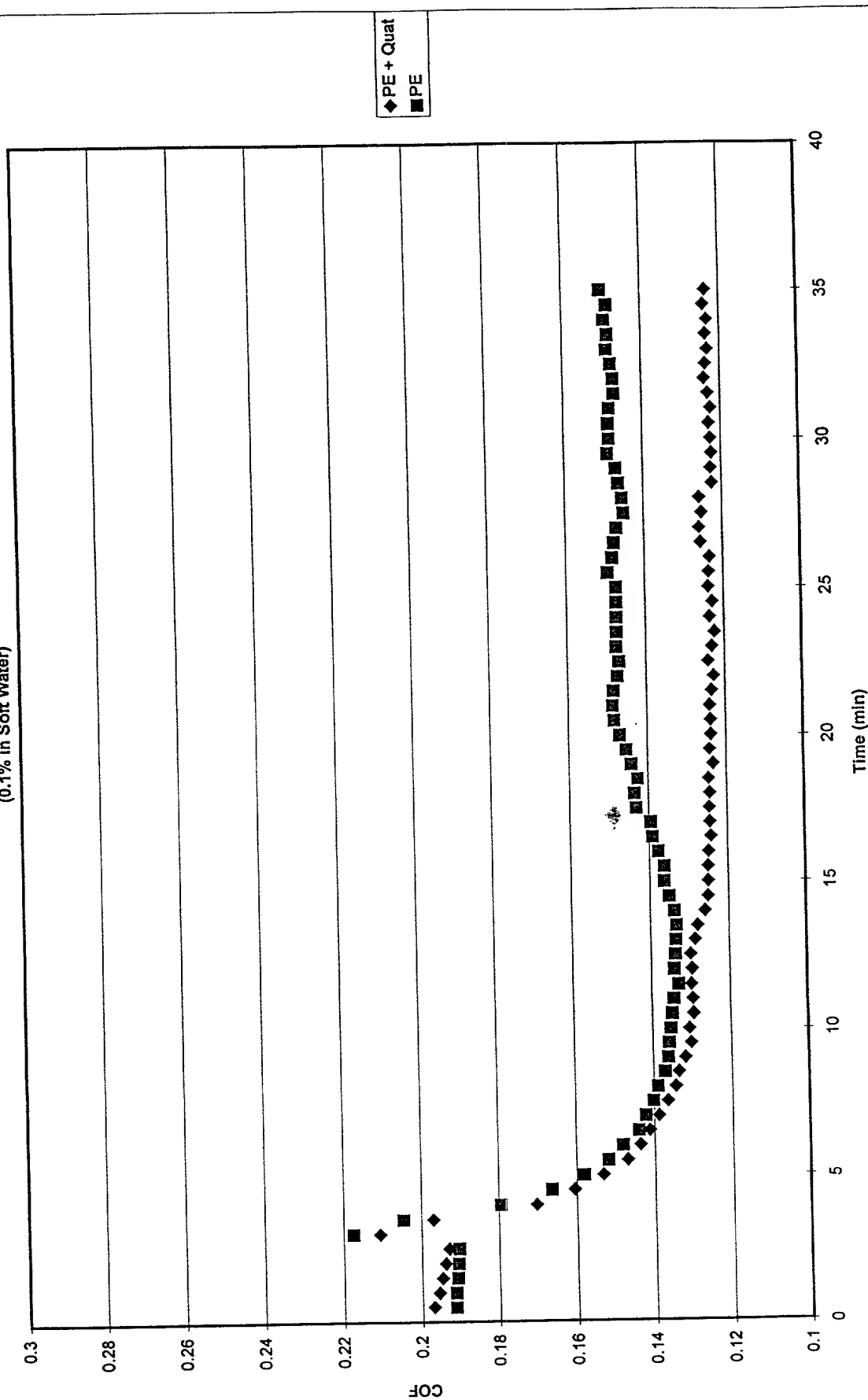


FIGURE 1

Phosphate Esters with Linear Vs. Benzyl Quat (0.1% in Soft Water)

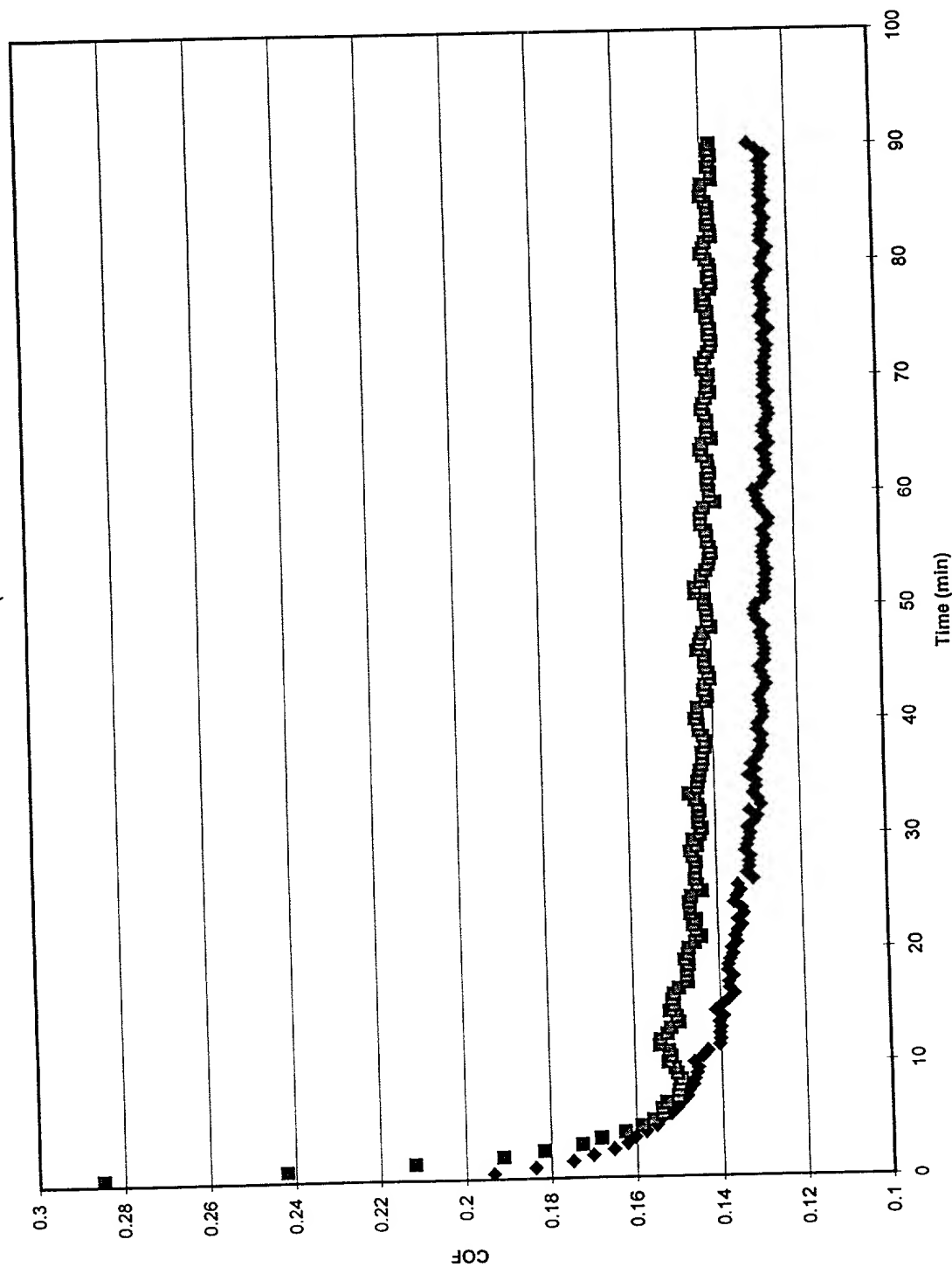


FIGURE 2

Phosphate Ester and Linear Quat with Various Couplers (0.1% in Soft Water)

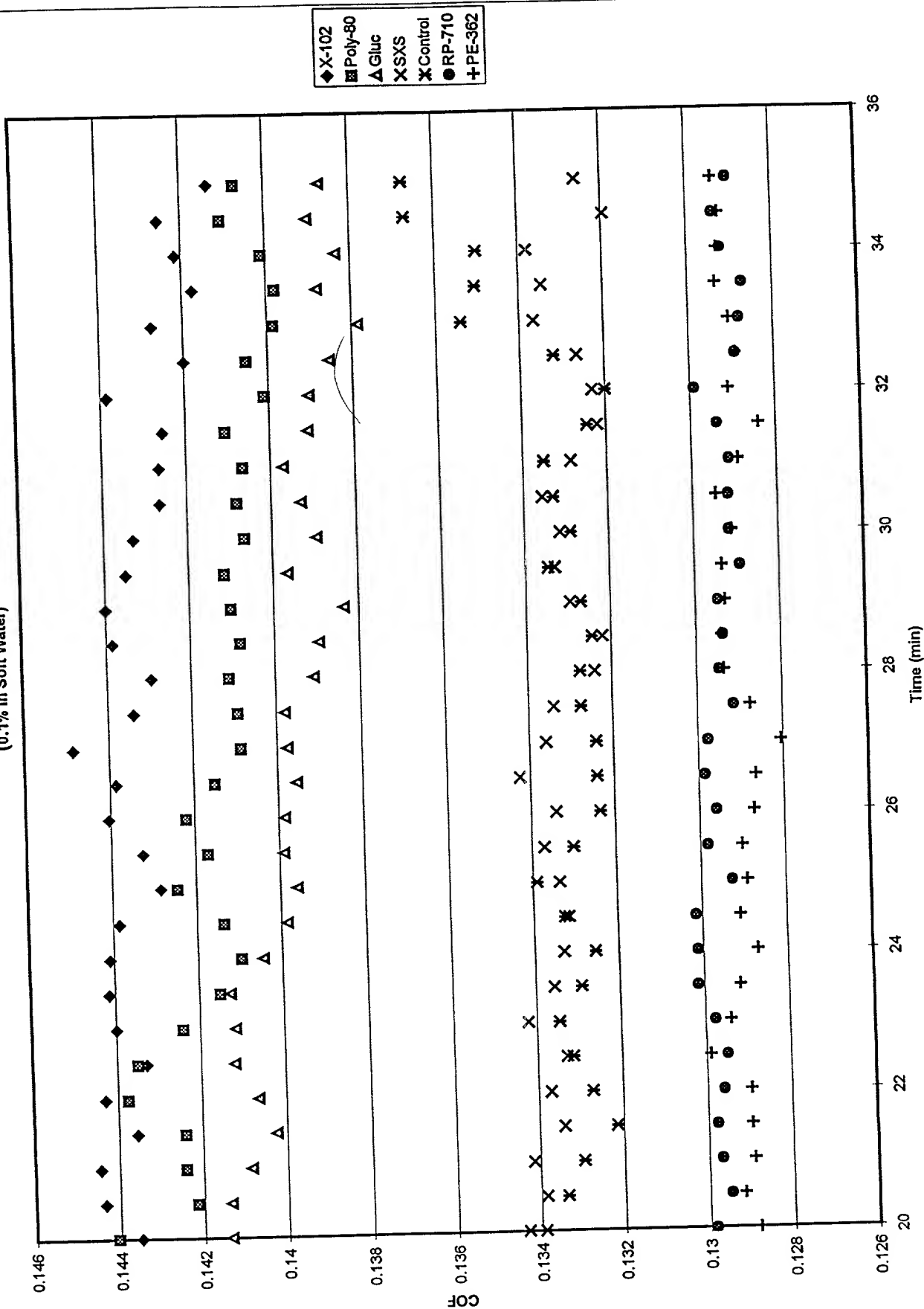
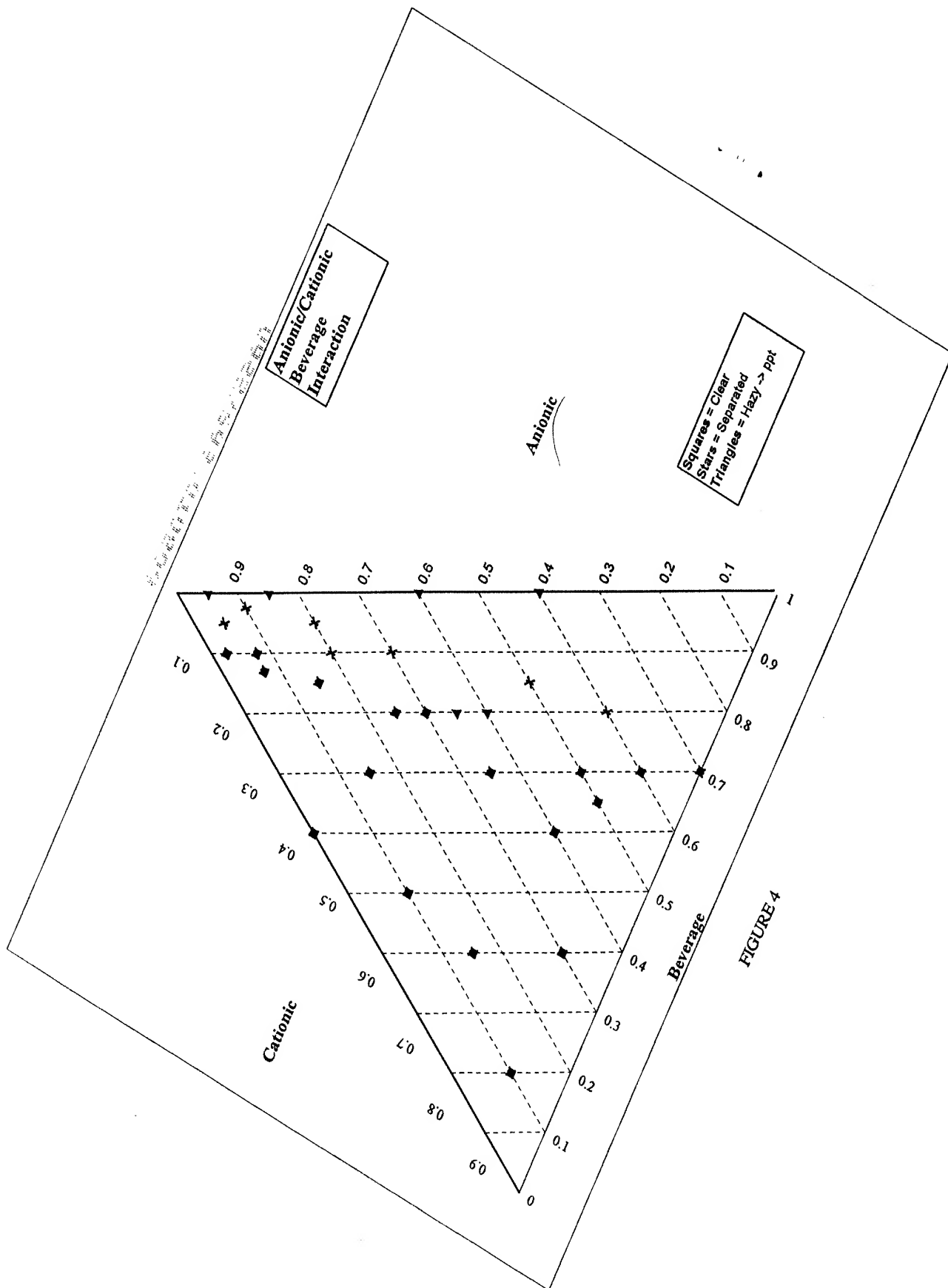


FIGURE 3



United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: ANTIMICROBIAL, BEVERAGE COMPATIBLE CONVEYOR LUBRICANT.

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such claim for priority is being made at this time.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adams, Matthew W.	Reg. No. P-43,459	Fogg, David N	Reg. No. 35,138	Lundberg, Steven W	Reg. No. 30,568
Anglin, J. Michael	Reg. No. 24,916	Forrest, Bradley A	Reg. No. 30,837	Mates, Robert E	Reg. No. 35,271
Arora, Suneel	Reg. No. 42,267	Harris, Robert J	Reg. No. 37,346	McCrackin, Ann M	Reg. No. 42,858
Bianchi, Timothy E.	Reg. No. 39,610	Holloway, Sheryl S.	Reg. No. 37,850	Padys, Danny J.	Reg. No. 35,635
Billion, Richard E.	Reg. No. 32,836	Huebsch, Joseph C.	Reg. No. 42,673	Polglaze, Daniel J.	Reg. No. 39,801
Black, David W.	Reg. No. 42,331	Kahs, Janal M	Reg. No. 37,650	Schwegman, Micheal L	Reg. No. 25,816
Brennan, Thomas F	Reg. No. 35,075	Klima-Silberg, Catherine I	Reg. No. 40,052	Sieffert, Kent J	Reg. No. 41,312
Brooks, Edward J , III	Reg. No. 40,925	Kluth, Daniel J	Reg. No. 32,146	Slifer, Russell D	Reg. No. 39,838
Clark, Barbara J	Reg. No. 38,107	Lacy, Rodney L	Reg. No. 41,136	Terry, Kathleen R.	Reg. No. 31,884
Drake, Eduardo E	Reg. No. 40,594	Leffert, Thomas W	Reg. No. 40,697	Viksnnis, Ann S.	Reg. No. 37,748
Dryja, Michael A	Reg. No. 39,662	Lemaire, Charles A	Reg. No. 36,198	Woessner, Warren D	Reg. No. 30,440
Embretson, Janet E	Reg. No. 39,665	Litman, Mark A	Reg. No. 26,390		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Michael E. Besse**
Citizenship: **United States of America** Residence: **Golden Valley, MN**
Post Office Address: **7450 Winnetka Heights**
Golden Valley, MN 55427

Signature: _____ Date: _____
Michael E. Besse

Full Name of joint inventor number 2 : **Joy G. Herdt**
Citizenship: **United States of America** Residence: **New Port, MN**
Post Office Address: **921 4th Avenue**
New Port, MN 55055

Signature: _____ Date: _____
Joy G. Herdt

Full Name of joint inventor number 3 : **Kimberly L. Person Hei**
Citizenship: **United States of America** Residence: **Baldwin, WI**
Post Office Address: **2224 30th Avenue**
Baldwin, WI 54002

Signature: _____ Date: _____
Kimberly L. Person Hei

Full Name of inventor:
Citizenship: Residence:
Post Office Address:

Signature: _____ Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.